IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Protection and Advocacy for People with Disabilities, Inc.,	)))	C.A. No. 2:20-cv-02738-DCN
Plaintiff,	))	
vs.	)))	**DEFENDANT CHARLESTON COUNTY SCHOOL DISTRICT'S MOTION TO DISMISS COMPLAINT PURSUANT TO RULES 12(b)(1) AND (6), FED. R. CIV. P.**
James Alton Cannon, Jr., in his official capacity as Charleston County Sheriff, Mitch Lucas, in his official capacity as Assistant Charleston County Sheriff, Willis Beatty, in his official capacity as Chief Deputy of the Charleston County Sheriff's Office, and Charleston County School District,	)))))))))	
Defendants.	)	

Defendant Charleston County School District ("District") hereby respectfully moves the Court for an order dismissing Plaintiff's complaint pursuant to Rules 12(b)(1) and (6), Fed. R. Civ. P. The District's motion is based on the grounds that the Court does not have jurisdiction over Plaintiff's claims against the District because the Plaintiff lacks standing to assert the claims and Plaintiff's claims are barred at this time since administrative procedures and remedies have not been exhausted as required by 20 U.S.C. 1415(1). Further, Plaintiff's Fourth Cause of Action, which purports to allege the District's violation of state education laws, fails to state a claim because the allegations lack sufficient factual matter and the state laws at issue do not create privately enforceable rights or property interests.

The District's motion is based on this motion and accompanying memorandum of law, applicable law, the complaint, and such other arguments and evidence as may properly come

before the court.

Respectfully submitted,

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